

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOAT OWNERS ASSOCIATION OF
THE UNITED STATES

Plaintiff,

- against -

RICHARD A. DOSIN JR. and
DOSIN'S TOWING, INC.,

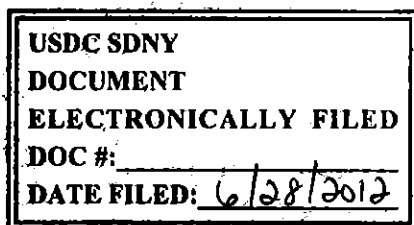
Defendants.

ORDER OF CONTEMPT
12 Civ. 1815 (ER)

Ramos, D.J.:

Plaintiff Boat Owners Association of the United States commenced this action for injunctive relief by filing a Complaint on March 12, 2012. On March 19, 2012, Plaintiff moved by Order to Show Cause for a preliminary injunction ordering Defendants to immediately remove the "TowBoatU.S." service mark, signage and graphics from any towing vessels, vehicles, offices or other property of Defendants and enjoining Defendants' use of the "TowBoat U.S." service mark or any colorable imitation of the mark in association with towing services not authorized by the Plaintiff.

After a show cause hearing, at which Defendants failed to appear, this Court entered an Order on April 25, 2012 (the "April 25 Order"), directing Defendants to remove the "TowBoatU.S." mark, signage and graphics from any towing vessels, vehicles, offices or other property within 10 (ten) days of service of a copy of the Order, and to provide photographic evidence of said removal to Plaintiff. The April 25 Order further preliminarily enjoined Defendants from using the "TowBoatU.S." service mark in commerce, and from using the



service mark or any colorable imitation of the mark in association with towing services not authorized by Plaintiff. Defendants were served with a copy of the Order on April 27, 2012.

On June 12, 2012, Plaintiff moved this Court by Order to Show Cause for an Order holding Defendants in contempt for their failure to comply with the April 25 Order.

Plaintiff filed with this Court Affidavits of Service of the April 25 Order and Plaintiff's June 12, 2012 Order to Show Cause on the named Defendants, and this Court is satisfied that Defendants are aware of both Orders. This Court set down Plaintiff's application for a Contempt Order for a show cause hearing on June 27, 2012, at which time Defendants failed to appear personally or through counsel.

Having considered Plaintiff's applications and the documents filed in support thereof, this Court is satisfied that Defendants willfully continue to display Plaintiff's service mark at the business premises located at 12 Southside Avenue Hastings-on-Hudson, New York, in violation of this Court's April 25 Order, which Order is clear and unambiguous.

Therefore, it is hereby ORDERED that:

1. Defendants Richard A. Dosin, Jr. and Dosin's Towing, Inc. are found to be in contempt of this Court's April 25 Order;
2. Plaintiff is directed to request service of the April 25 Order and this Order on Defendants by the U.S. Marshal, and upon serving Defendants with said Orders, the U.S. Marshal is directed to inform Defendants that they must comply with the April 25 Order within seven days of service;
3. If Defendants have not complied with this Court's Order within seven days of service of the April 25 Order and this Order, Plaintiff Boat Owners Association of


the United States is authorized, under the supervision and with the assistance of the U.S. Marshal, to take all necessary steps to remove all signage, graphics and other property that contain or display Plaintiff's service mark, located at 12 Southside Avenue Hastings-on-Hudson, New York, including removing the service mark from Defendants' towing vessel(s) by any means that will not cause undue damage to said vessel(s), and placing any other signage, graphics or other property containing Plaintiff's service mark with an appropriate storage facility;

4. If Defendant has not complied with this Court's April 25 Order within seven days of service by the U.S. Marshal, Plaintiff is directed to serve a copy of this Order upon the U.S. Marshal's Office in and for the Southern District of New York, and said Marshal or his representative(s) is directed to accompany Plaintiff's representative(s) to the business premises located at 12 Southside Avenue Hastings-on-Hudson, New York, and to assist Plaintiff's representative(s) with the removal of all signage, graphics and other property that contain or display Plaintiff's service mark from the premises;
5. Anyone interfering with the execution of this Order is subject to arrest by the United States Marshal and/or his representative(s);
6. Plaintiff, on whose behalf the Court issues this Order, will account completely for all property seized pursuant to this Order and shall compile a written inventory of all such property and shall provide a copy to the U.S. Marshal, who shall include such a copy with his return to this Court; and

7. Plaintiff, on whose behalf the Court issues this Order, will act as substitute custodian of any and all property seized pursuant to this Order and shall hold harmless the U.S. Marshals Service and its employees from any and all claims, asserted in any court or tribunal, arising from any acts, incidents or occurrences in connection with the removal of Plaintiff's service mark from Defendants' property, as well as the seizure and possession of such property, including any third-party claims.

It is SO ORDERED.

Dated: June 28, 2012
White Plains, New York



Edgardo Ramos, U.S.D.J.